

## **BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS**

### **MINUTES**

DATE: March 19, 2004

TIME: 9:00 a.m., C.S.T.

LOCATION: Cumberland Room  
Ground Floor, Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010

MEMBERS PRESENT: Kelly Lytle, Chair  
Alice Chapman, Secretary  
Deborah Walker  
Debra Fox  
Kathryn Mount

MEMBER ABSENT: Jane Pope

STAFF PRESENT: Karen Robinson, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Dianne Birkner, Unit Manager  
Marva Swann, Unit Director  
Jerry Kosten, Rules Manager  
Lisa Tittle, Financial Director  
Lea Phelps, Investigations

With a quorum being present, Ms. Lytle called the meeting to order at 9:20 a.m.

#### **Conflict of Interest**

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board and reminded the members of their responsibilities under the policy.

#### **Minutes**

A motion was made by Ms. Fox and seconded by Ms. Walker to approve the minutes of the September 26, 2003 meeting as submitted. The motion carried.

#### **Administrative Report**

Ms. Robinson presented the following statistical information:

<b>Dietician/Nutritionists</b>
Active Licensees – 1000
Retired Licensees – 163
Failed to Renew – 255

<b><i>Performance Measure</i></b>	<b><i>Goal</i></b>	<b><i>Average 1<sup>st</sup> &amp; 2<sup>nd</sup> qtrs</i></b>
Renewal Processing Time	14 days	6.2 days
Application Processing Time	100 days	25.5 days

Ms. Robinson reported that in the month of August, ten licensees had renewed their licenses on-line, which constituted a usage rate of 18% verses an overall usage rate of 19.25% for all professions.

### **Disciplinary Status and Investigation Reports**

Ms. Phelps reported that there were currently no licensees under disciplinary monitoring or any complaints in investigations at this time.

Laurie Stanton from the Deputy Commissioner of Health's office appeared before the Board promoting nutritional issues and values for the state of Tennessee.

### **Tennessee Dietetic Association Requesting A Grant**

After much discussion Ms. Tittle, Fiscal Director, recommended to the Board not to decrease the licensure fee at this time to defer this to the next Board meeting or the next Spring Board meeting of 2005, until the decision is made on the cost of the project and how the grant money is to be used. Ms. Nan Allison, President, Tennessee Dietetic Association, stated that she had been in discussions with Ms. Mounts and with some public relations firms, and the cost of designing a campaign and marketing the campaign would be in the area of \$50,000-\$60,000. The Board appointed Ms. Kelly Lytle to put together a task force to research the project and discuss it at the next Board meeting. Ms. Armstrong informed the Board that funds could only be used in relation to the Board's mission of protecting the public and not in relation to the Association's mission of promoting the profession. A motion was made by Ms. Walker and was seconded by Ms. Fox to defer the decrease in licensure fee and approval for the grant until the next Board meeting. The motion carried.

### **Rule-Making Hearing**

Mr. Kosten presented a rulemaking hearing held on December 23, 2003 of rules that are being proposed by the Office of General Counsel, for all Boards, which would require mandatory appearances by disciplined licensees at the end of their disciplinary periods. The rule outlines when a licensee may request an order modification. The rule also outlines a procedure where a licensee must prove compliance with their orders. A motion was made by Ms. Fox and seconded by Ms. Chapman to approve the above named rules proposed by the Office of General. The motion carried.

Mr. Kosten presented a request from the Board to reduce fees, after much discussion from the Board of reducing the fees, a motion was made by Ms. Mount and seconded by Ms. Fox to reduce the initial licensure fee of \$110.00 to a \$55.00 refundable fee. Ms. Walker and Ms. Chapman voted no to reducing the fees. The motion carried.

### **Office of General Counsel**

Ms. Armstrong presented the Office of General Counsel report and informed the Board that currently there are three open files, and that there are no contested case hearings scheduled for presentation at this meeting.

Ms. Armstrong reported the roll call vote of Rules 0470-1-.15 regarding Orders of Compliance and Modification, personal appearances by disciplined licensees was presented at this meeting by Mr. Kosten.

### **Dietetic Via Internet**

Ms. Armstrong stated the Board currently does not have guidelines that address internet practice. The Board requested for Ms. Armstrong to respond to Ms. Cornelius by letter. The Board requested to address this topic again at the September 17, 2004 meeting.

### **Ratifications**

A motion was made by Ms. Walker and seconded by Ms. Chapman to approve the newly licensed and reinstated Dietitian/Nutritionists. The motion carried.

### **Applicant Interview**

Marnie Rains – Ms. Rains appeared before the Board to explain the 2000 Driving while Impaired Charge. A motion was made by Ms. Chapman and seconded by Ms. Walker to approve Ms. Rains for licensure pending receipt of certificate for proof of completing a driving course. The motion carried.

Peer Assistance will address the Board at the next meeting of September 17, 2004.

### **Adjournment**

There being no further business, the meeting was adjourned at 12:00 p.m.

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